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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6216 of 1994

Between:

1. G.Rajender Reddy, s/o.Late Rami Reddy,

aged about 39 years, occ:Agrl.

2. G.Sivender Reddy, s/o.late Rami Reddy,

aged about 37 years, occ:agrl.

3. G.Govinda Reddy, s/o.late Rami Reddy,

aged about 34 years, occ:Agrl.

4. G.Anji Reddy @G.Hanumantha Reddy,

aged about 72 years, occ;Agrl.

5. G.Devender Reddy, s/o.G.Hanumantha Reddy,

aged about 39 years, occ:Agrl.

6. G.Shyamsunder Reddy, s/o.G.Hanumantha Reddy

aged about 37 years, occ:Agrl.

..... PETITIONERS

AND

1. The Special Officer & Competent Authority,

Urban Land Ceilings, Government of A.P.,

Hyderabad.

2. The Commissioner of Land Reforms and

Urban Land Ceilings, (Appellate Aurthority

Under Urban Land (Ceiling & Regulation)

Act,1976) Government of A.P.,

Nampally Station Road, Hyderabad.

3. The Mandal Revenue Officer,

Charminar Mandal, Malakpet, Hyderabad.

4. The Mandal Revenue Officer,

Musheerabad Mandal, Himayatnagar,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction preferably in the nature of Mandamus the nature of Mandamus declaring the entire proceedings in CC.Nos.D1/2368, 2369, 2370, 2374 and 4407/76 before the 1st Respondent are illegal, void and without jurisdiction, has not attracted by the provisions of the said Act and consequently direct the Respondents 1 to 4 herein not to dispossess the petitioners from the agricultural lands bearing survey Nos.25, 30 to 40 of Teegalaguda village (Malakpet) Charminal Mandal, Hyderabad District, and pass such further orders as this Hon'ble may deem fit and proper.

Counsel for the Petitioner: MR.C.R.PRATAP REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

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WRIT PETITION NO. 6216 OF 1994

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ORDER:-

Heard both sides. The petitioners, who are declarents, seek to assail the orders rejecting the appeal filed under Section of the Urban Land (Ceiling and Regulations) Act, 1976, which is against the orders passed by the Special Officer determining surplus.

The main grievance of the petitioners is that though orders under Section 8 (4) of the Act were passed on 12-5-1989, the same could not have been challenged in view of the fact that one of the declarants died and further there is no proper service of the said order. Further, it is only after receipt of notice under Section 10 (5) of the said Act dated 18-1-1991, the petitioners filed appeal on 4-3-1991, which was rejected on the ground that no regular appeal has been filed against the orders passed under Section 8 (4) of the Act and the appeal as has been filed is not maintainable.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that there is no dispute in regard to the fact that the orders passed under Section 8 (4) of the Act were not challenged. Further, after receipt of the notice under Section 10 (5) of the Act, the petitioner sought to file the appeal stating that the appeal is filed from the date of knowledge of the order and not from the date of the order. I of the view that the appellate Court rightly rejected the appeal on the ground that no appeal has been filed against the orders passed under Section 8 (4) of the Act. In view of the same, I do not find any merit in the claim of the petitioner.

Accordingly, the writ petition is dismissed. However, it is open to the petitioner to avail the remedy of filing the appeal as against the orders passed under Section 8 (4) of the Act by filing appropriate application for condoning the delay or for exclusion of the period from the date he was pursuing the other remedies and on filing of the same, the same shall be considered and disposed of on merits in accordance with law. No costs.

16—07—2004.

Stv/-

To

1. The Special Officer & Competent Authority,
Urban Land Ceilings, Government of A.P.,
Hyderabad.
2. The Commissioner of Land Reforms and
Urban Land Ceilings, (Appellate Aurthority
Under Urban Land (Ceiling & Regulation)
Act,1976) Government of A.P.,
Nampally Station Road, Hyderabad.
3. The Mandal Revenue Officer,
Charminar Mandal, Malakpet, Hyderabad.
4. The Mandal Revenue Officer,
Musheerabad Mandal, Himayatnagar,

Hyderabad.

5. Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad,

(O.U.T).

6. Two CD copies.